



JUDICIAL DELAYS IN INDIA: ANALYSING THE CAUSES AND EXPLORING SOLUTIONS FOR EXPEDITED JUSTICE

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ABSTRACT

Judicial delays in India are a significant concern, severely impeding the timely delivery of justice and eroding public confidence in the judicial system. This paper examines the key causes of judicial delays, including the overwhelming backlog of cases, a shortage of judges, outdated infrastructure, and procedural inefficiencies. With millions of cases pending in courts across the country, the pressure on the judicial system is immense, resulting in delayed hearings and extended litigation periods. The shortage of judges, particularly in lower courts, exacerbates this issue, with courts struggling to handle the heavy caseload. Additionally, the lack of technological integration and outdated legal processes further contribute to delays, with frequent adjournments and inefficient case management.

The paper explores potential solutions to expedite the judicial process. First, increasing the number of judges, especially in lower courts, would help reduce the backlog and speed up hearings. The establishment of specialized fast-track courts and tribunals for specific case categories, such as commercial and corruption cases, would provide quicker resolutions. Investment in judicial infrastructure, including digitalization and modern case management systems, is crucial for enhancing efficiency. The adoption of technology, such as e-courts and artificial intelligence tools, could help streamline administrative tasks and case tracking. Additionally, legal reforms aimed at simplifying procedures and promoting alternative dispute resolution methods like mediation and arbitration would further reduce delays.

In conclusion, addressing judicial delays in India requires a multifaceted approach, including judicial reforms, infrastructure upgrades, and technological advancements. These measures will ensure a more efficient, accessible, and timely justice delivery system, reinforcing the rule of law and improving public trust in the judicial system.

1. Introduction

The adage “Justice delayed is justice denied” resonates profoundly within the Indian judicial

landscape. Notwithstanding Articles 14 and 21 of the Indian Constitution, which guarantee equality before the law as well as the right to

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life and personal liberty, millions of citizens endure protracted judicial proceedings, undermining faith in the legal system. This stark reality was noted in *Hussainara Khatoon (Supra)* where the Supreme Court emphasized that the right to a speedy trial is an essential facet of Article 21. In addition to violating individual rights, judicial delays also call into question the fundamental idea of justice as outlined in the Constitution.

Due to procedural bottlenecks and a lack of resources, the judiciary is seen as being overworked. According to *M.C. Mehta (Supra)* case the Court acknowledged the need for judicial reforms to address procedural inefficiencies and institutional limitations. These issues persist despite recommendations from the Law Commission and other judicial pronouncements. Legal scholars like M.P. Jain have pointed out that while the Indian judiciary has made remarkable strides in areas like public interest litigation, systemic inefficiencies continue to hamper its effectiveness. As noted in *Justice in India: A Historical Perspective* by V.R. Krishna Iyer, judicial accountability and modernization are crucial to overcoming these challenges.

This paper aims to analyze the multifaceted causes of judicial delays in India, drawing on case laws, legislative analyses, and scholarly insights. It seeks to propose actionable solutions aligned with India's socio-legal framework to address this pressing issue.

2. Historical Background:

The Indian judiciary traces its roots to the colonial era, beginning with the establishment of the Apex Court of Calcutta in 1774. This court, along with those in Bombay and Madras, laid the foundation for a centralized judicial system that combined British legal traditions with local practices. Despite the primary goal of serving colonial interests, these courts introduced concepts of codified law and rule of law in India, creating a framework that would later influence the independent nation's judiciary.

After independence in 1947, the founder father of the Constitution included the judiciary as the guardian of the Constitution. Article 124, the Constitution established the Supreme Court, ensuring a unified judicial structure with subordinate courts at district and state levels. Upholding fundamental rights was the responsibility of the judiciary, as seen in *Kesavananda Bharati*¹, where the Apex Court enunciated the doctrine of basic structure, cementing its role as a constitutional watchdog. Despite its robust foundations, the Indian judiciary has faced challenges in adapting to the exponential increase in litigation post-independence. The growth in population, urbanization, and awareness of legal rights has resulted in an overwhelming number of cases. The judiciary's struggle with this burgeoning caseload is highlighted in *All India Judges' Association*² case where the Supreme Court identified the need for judicial reforms, including better infrastructure and a higher judge-to-population ratio.

2.2 Colonial Legacy and Structural Issues

The colonial judicial system introduced a hierarchical structure, which remains largely intact. While this hierarchy facilitates appellate review and checks and balances, it also contributes to delays due to the multi-tiered process of appeals. Legal scholars such as M.P. Jain have criticized the lack of significant structural reforms in the judiciary post-independence, noting that procedural laws like the C.P.C. and Cr.P.C. have retained several colonial-era complexities that hinder speedy justice³.

In addition, a mindset which put the interests of the state before those of the individual has persisted. For instance, government agencies remain to be the biggest litigants in India, handling about half of all cases presently yet pending. According to V.R. Krishna Iyer, who wrote in *Justice in India: A Historical Perspective*, states where there is prone to litigation increase judicial delays, making settling disputes difficult.

2.3 Landmark Judicial Interventions

Through a variety of rulings all over the years, the judiciary has acknowledged and rectified institutional inefficiencies. In *Hussainara Khatoon*⁴, the Supreme Court highlighted the plight of undertrial prisoners languishing in jails due to judicial delays, declaring the right to a speedy trial as intrinsic to Article 21. The recognition of judicial delay as a breach of fundamental rights was revolutionized by this case. Similarly, in *Salem Advocate Bar Association*⁵, the SC advocated for procedural

reforms, including the introduction of pre-trial conferences and case management to reduce pendency. The Court stressed alternative dispute resolution (ADR) processes, such as mediation and arbitration, as critical tools for decongesting the judiciary.

2.4 Modern Challenges and Continuing Legacy

Despite these interventions, judicial delays remain pervasive. The Law Commission's 245th Report, underscored issues such as the low judge-to-population ratio, outdated infrastructure, and procedural inefficiencies. As of 2023, the ratio stands at 21 judges per million people, significantly lower than the recommended 50 per million. The persistence of colonial-era practices, combined with modern inefficiencies, hampers the judiciary's ability to deliver timely justice⁶.

The lack of technology adoption has further aggravated delays, especially in subordinate courts. While initiatives like the e-Courts Project aim to digitize court records and enable virtual hearings, their implementation remains inconsistent. Comparative studies with jurisdictions like Singapore and the United States reveal that robust case management systems and extensive use of technology can significantly reduce pendency.

In a nutshell, the history of India's judiciary demonstrates a transition from colonial regulations to democratic safeguards. While the court has played an important role in preserving democracy and safeguarding fundamental rights, structural and administrative

inefficiencies continue to undermine its efficiency. Landmark instances and intellectual results underscore the pressing need for changes to address these issues. Judicial transparency, procedural simplifying, and modernization are essential for fulfilling the legal promise of justice. Only then can the proverb "justice delayed is justice denied" be put to rest.

3. Causes of Judicial Delay:

The problem in this regard is one of the most pressing challenges facing the Indian legal system. Despite constitutional guarantees under Art. 14 & 21, millions of citizens experience significant delays in obtaining justice. The phrase "*justice delayed is justice denied*" captures the frustration of litigants who endure prolonged judicial processes. Several interrelated factors contribute to these delays, spanning institutional inefficiencies, procedural complexities, and systemic shortcomings.

3.1 Case Backlog and Court Vacancies:

One of the main causes of judicial delay in India is the enormous backlog of litigation in Indian courts. As of 2023, there were over 40 million cases pending in India's various courts, according according to the National Judiciary Data Grid. A severe judge scarcity exacerbates this backlog. The Law Commission's suggested 50 judges per million is significantly higher than India's current judge-to-population ratio of about 21 judges per million. The Supreme Court in *All India Judges' Association*⁷ case acknowledged the pressing need to fill judicial

vacancies, emphasizing that an overburdened judiciary cannot deliver timely justice. The problem is particularly acute in subordinate courts, which handle nearly 87% of the caseload but are often understaffed.

3.2 Complex Procedural Laws:

Procedural laws contribute significantly to judicial delays. These codes, rooted in colonial-era legal traditions, often involve lengthy processes that prolong litigation. For instance, provisions allowing multiple adjournments under Order XVII of the CPC have been widely misused. In *Salem Advocate Bar Association*⁸, the SC highlighted regarding unwanted adjournments and ensure strict compliance with procedural timelines. Despite procedural reforms like the introduction of pre-trial conferences and case management, their implementation remains uneven.

3.3 Inefficient Case Management:

Indian courts often lack standardized systems for case management. Inefficient scheduling of hearings, delays in issuing summons, and inadequate monitoring of case progress contribute to prolonged litigation. Unlike jurisdictions such as Singapore, where technology-driven case management ensures timely hearings, Indian courts still rely heavily on manual processes. Justice V.R. Krishna Iyer, in his seminal work *Justice in India: A Historical Perspective*, emphasized the importance of efficient case management to reduce pendency. The absence of trained personnel and standardized practices in Indian courts exacerbates delays.

3.4 Overlapping Jurisdictions and Frivolous Litigation:

Many cases involve overlapping jurisdictions, leading to conflicts between courts and tribunals. For instance, disputes over whether a matter falls under civil or criminal jurisdiction often delay proceedings. Additionally, frivolous litigation and misuse of public interest litigation (PIL) mechanisms clog the judiciary with unnecessary cases. In *State of Uttar Pradesh*⁹, the SC observed, malicious or frivolous burden of cases, the judiciary, diverting attention from genuine disputes. Introducing punitive measures for frivolous litigation, as suggested by the Law Commission of India, could deter such practices.

3.5 Delays in Government-Related Cases:

There is a significance role of the Govt. departments to increase the litigants in the country. These cases often involve land disputes, tax matters, and contractual obligations. Delays in decision-making by government officials and reluctance to settle disputes outside court prolong litigation. In *Secretary, Ministry of Defence*¹⁰, the SC criticized the government's tendency to pursue litigation as a matter of routine rather than as a last resort. The lack of a comprehensive litigation policy further exacerbates the problem.

3.6 Lack of Infrastructure:

The inadequate infrastructure of courts is a significant barrier to timely justice. Many subordinate courts lack basic facilities, including sufficient courtroom space,

technological tools, and support staff. The E-Courts Project, aimed at digitizing case records and enabling virtual hearings, has made progress but remains underutilized in many regions. In *Imtiyaz Ahmad*¹¹, case called for substantial investments in judicial infrastructure to address deficiencies. The establishment of fast-track courts for specific cases, such as sexual offenses, has shown some success but requires broader implementation.

3.7 Delays in Investigations and Evidence Collection:

In criminal cases, delays often stem from inefficiencies in police investigations and evidence collection. Poor coordination between investigative agencies and prosecutors results in incomplete or delayed filing of charge sheets. This issue was highlighted in *Hussainara Khatoon* (supra), where the SC decried the prolonged detention of undertrial prisoners due to delayed investigations. Additionally, the reliance on outdated methods of evidence collection, such as manual documentation, hampers the speed of trials. Adopting digital tools for evidence management could address these challenges.

3.8 Judicial Culture and Practices:

The legal fraternity's traditional practices often contribute to delays. Frequent adjournments requested by advocates, delays in filing written arguments, and lack of preparedness during hearings prolong proceedings. In *Ramrameshwari Devi*¹², the Supreme Court identified the need for more accountability of advocates and litigants to ensure timely

resolution of cases.

3.9 Delays in Appeals and Review Petitions:

The multi-tiered appellate system in India, while essential for ensuring fairness, also contributes to delays. Appeals, reviews, and revisions often drag cases for years. In *Krishna Swami*¹³, the SC observed the necessity of balancing the right to appeal with the need for timely justice.

In nutshell, the Judicial delays in India are a complex issue rooted in systemic inefficiencies, procedural shortcomings, and infrastructural inadequacies. Addressing these delays requires a multi-pronged approach that includes filling judicial vacancies, simplifying procedural laws, adopting technology, and strengthening judicial infrastructure. Comparative studies with efficient judicial systems like those in Singapore and the United States reveal the importance of robust case management and alternative dispute resolution mechanisms. Judicial reforms, as emphasized by the Law Commission and Supreme Court judgments, are essential to ensuring timely justice¹⁴.

4. Implications of Judicial Delays

The supremacy of law is seriously threatened by judicial delays in India, which also have an impact on the effectiveness and legitimacy of the system for delivering justice. Prolonged litigation not only undermines the constitutional promise of justice but also impacts individuals, institutions, and society at large. The consequences of these delays extend to public trust, economic growth, social stability, and the preservation of individual

rights. This section examines the multifaceted implications of judicial delays in India, supported by relevant case laws and scholarly insights.

4.1 Erosion of Public Trust in the Judiciary:

Public trust in the courts is damaged by judicial delays. Citizens view prolonged litigation as a denial of justice, weakening faith in the legal system. This is particularly concerning in a democracy where the judiciary is considered a guardian of rights and liberties. In *A.R. Antulay*¹⁵, the Supreme Court emphasized that delayed justice is tantamount to injustice, as it affects the credibility of the judiciary. Due to public dissatisfaction with court delays, alternative conflict resolution procedures like arbitration and mediation are becoming more and more popular, sometimes displacing the courts altogether.

4.2 Impact on Litigants:

Judicial delays disproportionately affect litigants, particularly those from marginalized and weaker sections of society. Prolonged financial & emotional strain of unresolved cases forces many litigants to abandon their pursuit of justice. Women, senior citizens, and victims of crime are particularly vulnerable to the consequences of delays. In *Hussainara Khatoon (Supra)*, The Supreme Court brought attention to the predicament of undertrial inmates who are kept in jails because criminal proceedings are taking too long. Similarly, civil litigants often face prolonged uncertainty regarding property disputes, inheritance claims, and contractual obligations, leading to

significant social and financial hardships.

4.3 Violation of Fundamental Rights:

The fundamental rights protected by both Articles 14 and 21 of the Indian Constitution are frequently violated as a result of judicial delays. Cases that stretch on for years jeopardize the rights to life, freedom of speech, and fairness under the law. The landmark judgment in *Maneka Gandhi*¹⁶, the court observed that speedy trial is also FR. Delays in criminal justice systems.

4.4 Overcrowded Prisons and Human Rights Violations:

In criminal cases, judicial delays contribute significantly to overcrowded prisons, as undertrial prisoners languish in custody for extended periods. This not only violates their fundamental rights but also strains the prison system. According to the NCRB, over 70% of the prison population in India comprises undertrial prisoners. In *Hussainara (Supra)*, the Court condemned the prolonged detention of undertrials, calling for urgent reforms to ensure speedy trials.

4.5 Economic Implications:

Judicial delays have far-reaching economic consequences, affecting businesses, investors, and the overall economy. Long-term commercial arbitration deters investment, especially in industries where prompt contract enforcement is essential. Due to judicial delays, India has continuously been placed low in the World Bank's Ease of Doing Business report for contract enforcement. The Supreme Court acknowledged the financial consequences of

postponing dispute resolution and underlined the necessity of efficient case management in business arbitration in its 2016 Industrial Arbitration Case Handling Rules. Fast-track arbitration procedures and the creation of business courts have been somewhat beneficial, but they are still insufficient.

4.6 Undermining Social Stability:

Prolonged litigation often exacerbates social tensions, particularly in cases involving property disputes, family matters, and communal conflicts. Delayed justice can escalate conflicts, leading to violence, resentment, and societal discord. In *Shiv Kumar Sharma v. Santosh Kumari*¹⁷, the Supreme Court noted that prolonged disputes over property and family matters create bitterness and destabilize relationships. Resolving such disputes in a timely manner is crucial for maintaining social harmony.

4.7 Delayed Justice for Victims of Crime:

Victims of crime often face additional trauma due to prolonged delays in trials and sentencing. This not only denies them closure but also emboldens offenders, undermining the deterrent effect of criminal law. In *State of Rajasthan*¹⁸, the Court stressed the timely prosecution and sentencing to ensure justice for victims. Delays in cases involving sexual offenses, domestic violence, and child abuse are particularly damaging, as they perpetuate the suffering of victims and delay their rehabilitation.

4.8 Political and Administrative Implications:

Judicial delays in politically sensitive cases often lead to controversies and public outrage. Cases involving corruption, election disputes, and constitutional questions require timely resolution to ensure accountability and stability in governance. In *Ashok Kumar*¹⁹, the Court observed that delayed verdicts in election disputes undermine democratic processes. Similarly, delays in corruption cases lost the confidence of society.

4.9 Undermining the Rule of Law:

Judicial delays weaken the supremacy of law. When citizens perceive the judiciary as slow and inefficient, they may resort to extrajudicial means to resolve disputes, undermining the authority of the legal system. In *M.C. Mehta*²⁰, Court emphasized the judiciary's role in maintaining the supremacy of law and called for measures to address systemic inefficiencies. Judicial delays, however, continue to challenge this foundational principle.

In totality, the Judicial delays in India have profound implications for individuals, society, and the state. From eroding public trust and violating fundamental rights to impeding economic growth and undermining the rule of law, the consequences of prolonged litigation are far-reaching. Addressing these delays requires a comprehensive approach involving judicial reforms, procedural simplifications, and technological advancements. Timely justice is not only a constitutional imperative but also essential for strengthening India's democratic fabric and promoting social and economic progress.

5. Suggested Remedies for Accelerated Justice:

India's judicial backlog is a structural problem that erodes public trust, exacerbates socioeconomic disparities, and challenges the concept of justice. Addressing these delays requires a multifaceted approach that incorporates legal, administrative, and technological reforms. This section outlines actionable solutions to ensure timely justice delivery, drawing upon case laws, expert opinions, and successful models from other jurisdictions.

5.1 Filling Judicial Vacancies:

The shortage of judges across courts is one of the primary causes of judicial delays. As of 2023, the judge-to-population ratio in India is approximately only 21 judges per 10,00,000 people. The backlog of cases is made worse by the delay in filling vacancies. In *All India Judges' Association (supra)*, the Court directed the Govt. to appoint the judges to reduce the pandancy. Implementing a transparent and time-bound recruitment process is essential for bridging this gap. Strengthening subordinate courts by appointing adequate judicial officers should be a priority.

5.2 Amending Procedural Laws:

Complex procedural frameworks under the C.P.C. & Cr. P.C. often lead to unnecessary delays. Simplifying these procedures and setting strict timelines for case disposal can significantly expedite the justice process. In *Salem Advocate Bar Association (Supra)*, the Court recommended for making amendments in

procedural laws, including the use of case management systems and curtailing the practice of frequent adjournments. Penalizing frivolous litigation and misuse of procedural provisions can deter delays caused by litigants.

5.3 Adopting Technology and Digitization:

The integration of technology in the judicial process is a transformative solution for reducing delays. Initiatives like e-courts, virtual hearings, and digital case management have shown promising results. Artificial intelligence (AI) can be employed for tasks such as sorting cases, generating cause lists, and providing predictive analytics. In *Swapnil Tripathi*²¹ the court promoted accessibility and transparency by permitting live streaming of court hearings. Efficiency can be increased by extending such technology advancements, such as AI-based legal research and digital evidence submission.

5.4 Implementing Case Management Systems:

Standardized case management practices can ensure the efficient scheduling and monitoring of cases. Judges and court staff should be trained in prioritizing cases based on their urgency and complexity. In *Imtiyaz Ahmad v. State of Uttar Pradesh (Supra)*, the Supreme Court highlighted the importance of case management in reducing pendency. Establishing specialized courts for certain categories, such as commercial disputes or family law matters, can streamline the resolution process.

5.5 Promoting Alternative Dispute Resolution:

ADR procedures such as conciliation, arbitration, and mediation provide efficient substitutes for conventional litigation. The strain on the judiciary might be considerably lessened by promoting the settlement of conflicts outside of the courtroom. In *Afcons Infrastructure Ltd.*²², Court emphasized the importance of ADR in promoting speedy and cost-effective justice. Establishing pre-litigation counselling for certain types of litigations can institutionalize ADR as a preferred mode of dispute resolution.

5.6 Addressing Government-Related Litigation:

The Govt. is responsible for the largest litigant. Delays in government-related litigation often stem from bureaucratic inefficiencies and reluctance to settle disputes outside court. Adopting a “National Litigation Policy” with clear guidelines for minimizing unnecessary litigation can address this issue. In *Union of India*²³, the Court criticized the government for filing frivolous appeals and emphasized the need for a responsible litigation policy. Encouraging alternative mechanisms, such as arbitration panels for government contracts, can also reduce pendency.

5.7 Strengthening Infrastructure:

The lack of adequate physical and digital infrastructure in courts significantly hampers the justice delivery process. Subordinate courts, where the majority of cases are adjudicated, often function without basic amenities. The 245th Report, the Law Commission recommended substantial investment in court

infrastructure, including the establishment of modern facilities, recruitment of additional court staff, and provision of advanced technological tools. Setting up fast-track courts for specific types of cases, such as sexual offenses or commercial disputes, can also expedite justice delivery.

5.8 Reducing Adjournments:

The culture of frequent adjournments is a major contributor to delays. The judiciary should adopt a strict approach to adjournments, allowing them only in exceptional circumstances. In *State of Maharashtra*²⁴, the Court observed that unnecessary adjournments prolong litigation and emphasized the need for discipline in granting them. Legislative amendments to impose penalties for unwarranted adjournments can help curb this practice.

5.9 Encouraging Judicial Accountability:

Judicial accountability is crucial for ensuring timely disposal of cases. Performance benchmarks for judges, coupled with periodic reviews and transparent reporting systems, can incentivize efficiency. In *All India Judges' Association (Supra)*, the Court underscored the need for judicial reforms to enhance accountability. Publishing annual reports on case disposal rates and pendency can foster a culture of transparency and efficiency within the judiciary.

5.10 Learning from International Best Practices:

Examining successful models from other jurisdictions can provide valuable insights into

addressing judicial delays. For instance, the United States employs mandatory pre-trial conferences and mediation to reduce pendency, while the United Kingdom has robust small cases and streamlined procedures for minor disputes. Singapore's judiciary is recognized for its efficient use of technology and stringent procedural rules. Adopting elements of these systems, tailored to India's socio-legal context, can help create a more efficient justice delivery mechanism.

In totality, Judicial delays in India require a holistic and sustained approach to ensure the timely delivery of justice. Filling judicial vacancies, simplifying procedural laws, integrating technology, promoting ADR mechanisms, and strengthening infrastructure are essential steps toward achieving this goal. By addressing the root causes of delays and implementing comprehensive reforms, the judiciary can restore public trust and uphold its constitutional mandate to deliver timely and effective justice.

6. Comparative Analysis:

Judicial delays remain a chronic issue in India, impinging upon the constitutional guarantee of timely justice under Articles 14 and 21 of the Indian Constitution. This comparative analysis examines the problem in India and contrasts it with judicial systems of the United States, the United Kingdom, and Singapore to identify actionable reforms. Drawing on case laws, legislative frameworks, and scholarly opinions, it aims to propose solutions rooted in global best practices and tailored to India's socio-legal

framework.

6.1 India: The Continued Delays in the Court System:

Court delays in India are caused by a confluence of cultural considerations, resource scarcity, and procedural impediments. In *Hussainara Khatoon* (above), the Supreme Court ruled that Article 21 implicitly guarantees the right to a prompt trial. However, because of structural inefficiencies, the promise of prompt justice is still unattainable.

Key issues include:

Case Backlog: As of 2023, more than 4.5 crore cases under adjudication in India, with nearly 90% in subordinate courts.

- **Judge-to-Population Rate:** India has 21 judges per million, which is less than the 50 judges per 1,000,000 recommended by the Law Commission.
- **Complex Procedures:** Frequent adjournments and procedural delays under the C.P.C. & Cr.P.C. exacerbate pendency.
- **Infrastructure Deficits:** Subordinate courts, which handle the bulk of cases, often lack basic facilities, technology, and staff.

While India has made strides in public interest litigation (PIL) and technological initiatives like e-courts, these efforts are insufficient to address the systemic backlog effectively.

6.2 United States: Using Structured Methods to Increase Efficiency:

Structured case management, efficient pre-trial processes, and different dispute resolution methods are characteristics of the American

legal system. Pre-trial detentions are decreased in criminal cases by the Quick Trial Act of 1974, which sets precise deadlines for the start of trials.

- **Mandatory Mediation and ADR:** Mediation and arbitration are widely used, particularly in civil disputes, to divert cases from formal court systems.
- **Pre-trial conferences:** These guarantee that disagreements are reduced, deadlines are established, and needless delays are prevented.
- **Jury Trials:** While jury trials are time-intensive, their use is limited to specific types of cases, reducing burdens on courts.

India could adopt mandatory mediation for civil disputes, particularly commercial and family law matters, as endorsed in *Afcons Infrastructure Ltd. (Supra)*.

6.3 United Kingdom: Streamlined Processes and Technology Integration:

The United Kingdom's judicial system is renowned for its efficiency, achieved through robust case management and the effective use of technology. Small claims courts and tribunals handle minor disputes, ensuring faster resolution without overburdening the apex court.

Key features include:

- **Case Management Powers:** Judges actively manage cases to ensure adherence to timelines.
- **Use of Technology:** Digital tools like electronic case filing and virtual hearings are extensively employed.

- **Cost Sanctions:** Litigants who cause unnecessary delays face cost penalties, discouraging frivolous litigation.

6.4 Singapore: A Model of Judicial Efficiency:

Singapore is often cited as a global leader in judicial efficiency due to its rigorous procedural rules, Tech- integration, and emphasis on alternative dispute resolution.

- **Technology and AI:** Singapore employs artificial intelligence (AI) to manage case schedules and predict timelines, significantly reducing delays.
- **Specialized Courts:** Dedicated commercial courts and family justice courts ensure expertise and timely resolution.
- **ADR and Mediation:** The courts actively promote mediation, supported by institutions like the Singapore International Mediation Centre (SIMC).

The effectiveness of Singapore's system demonstrates the promise of specialized court forums and technology advancements. Although promising, India's e-courts effort has to be scaled and integrated with AI-based solutions to improve efficiency.

6.5 Challenges in Adopting Global Practices:

While India can learn from international models, several contextual challenges need to be considered:

- **Population and Case Volume:** India's sheer population and volume of cases necessitate scalable solutions, unlike smaller jurisdictions like Singapore.

- **Diverse Legal Needs:** India's pluralistic society requires a nuanced approach that accommodates diverse legal traditions and socio-economic conditions.
- **Resource Constraints:** Limited financial and technological resources hinder the adoption of advanced solutions like AI.

6.6 Lessons for India: Tailored Solutions:

Drawing from global experiences, India can adopt the following measures:

1. **Mandatory ADR Mechanisms:** Institutionalize mediation and arbitration for specific case types, reducing court burdens as emphasized in *Afcons Infrastructure Ltd. (Supra)*.
2. **Strengthened Case Management:** Adopt active case management practices similar to the UK to ensure timely progression.
3. **Use of Technology:** Expand the e-courts initiative and integrate AI tools for scheduling and case prioritization. Singapore's AI-based systems can serve as a model.
4. **Specialized Courts:** Establish dedicated courts for commercial, environmental, and family law disputes to expedite resolution.
5. **Judicial Accountability:** Implement performance benchmarks and incentivize timely case disposal, as suggested in *All India Judges' Association (Supra)*.
6. **Litigation Policy for Government Cases:** Reduce frivolous government litigation through a National Litigation Policy, as urged by the Court in *Union of India*²⁵.

6.7 Global Best Practices and Adaptability:

While India must customize global practices, these examples offer valuable insights:

- **United States:** Pre-trial conferences and ADR for narrowing disputes.
- **United Kingdom:** Cost sanctions and robust small claims courts.
- **Singapore:** Integration of technology and establishment of specialized courts.

The adoption of these measures, combined with India-specific solutions, can significantly reduce judicial delays.

In totality, the Judicial delays in India are a complex problem requiring a blend of global best practices and indigenous reforms. By learning from the structured processes of the United States, the case management systems of the United Kingdom, and Singapore's technological innovations, India can create a more efficient and responsive judicial system.

7. Conclusion:

Judicial delays in India remain a significant challenge, affecting the delivery of timely justice and undermining public trust in the legal system. The causes of these delays are multifaceted, including the overwhelming backlog of cases, lack of judicial infrastructure, lack of sufficient judges, and procedural inefficiencies. Additionally, the increasing complexity of cases, coupled with limited resources and outdated legal frameworks, further exacerbates the problem. With millions of matters in the pipeline, courts are often overburdened, and hearings get delayed due to overcrowded courtrooms and insufficient time

for each case. The shortage of judges, particularly in lower courts, intensifies this issue, with each judge handling a disproportionate number of cases, leading to slow adjudication and delays in hearings.

Another key issue is the lack of judicial infrastructure, which is crucial for efficient case management. Many courts function with outdated technology and limited resources, hampering their ability to manage and process cases effectively. Despite advancements in digitalization, several courts still face challenges in adopting technology for case management and hearings, which further prolongs the resolution of cases. Furthermore, procedural inefficiencies and frequent adjournments is serious cause in delaying proceedings. Judicial delays require a multifaceted approach that tackles both systemic and infrastructural issues. First, increasing the number of judges and judicial staff is essential. The current judge-to-population ratio in India is inadequate, and efforts must be made to recruit and train more judges, especially in lower courts, to handle the caseload more efficiently. Additionally, the establishment of more fast-track courts and specialized tribunals could help address cases that require expedited hearings, such as commercial disputes, corruption cases, and cases involving vulnerable groups.

Second, judicial infrastructure needs substantial investment. Upgrading court facilities, providing better access to technology, and establishing e-courts can streamline case

management and reduce delays. The integration of artificial intelligence and case management software could assist in automating administrative tasks, ensuring smoother case tracking and prioritization. Modernizing the legal processes and promoting the digitalization of records would significantly improve efficiency and reduce pendency. Third, judicial reforms are crucial for simplifying the legal process and enhancing efficiency. Streamlining procedures, reducing procedural hurdles, and promoting alternative dispute resolution mechanisms like mediation and arbitration can significantly reduce the time it takes to resolve cases. Finally, there must be a cultural shift

within the judiciary and legal profession to prioritize timely adjudication. Training judges, lawyers, and court staff to value the importance of swift justice is necessary.

In conclusion, while judicial delays in India are a deeply entrenched issue, concerted efforts in judicial reform, infrastructural upgrades, and procedural simplifications can go a long way in improving the efficiency of the legal system. By addressing the root causes of these delays and exploring practical solutions, India can pave the way for an expedited, fair, and accessible justice system that ensures the rule of law is upheld for every citizen.

Endnotes:

- ¹ *Kesavananda Bharati v. State of Kerala* (1973 AIR 1461).
- ² *All India Judges' Association v. Union of India* (2002 4 SCC 247).
- ³ M.P. Jain, *Indian Constitutional Law* (7th ed., LexisNexis, 2021).
- ⁴ *Hussainara Khatoon v. State of Bihar* (1979 AIR 1369).
- ⁵ *Salem Advocate Bar Association v. Union of India* (2005 6 SCC 344).
- ⁶ Law Commission of India, 245th Report (2014).
- ⁷ *All India Judges' Association v. Union of India* (2002 4 SCC 247).
- ⁸ *Salem Advocate Bar Association v. Union of India* (2005 6 SCC 344).
- ⁹ *State of Uttar Pradesh v. Anil Kumar Sharma* (2015 6 SCC 716).
- ¹⁰ *Secretary, Ministry of Defence v. Prabhash Chandra Mirdha* (2012 11 SCC 565).
- ¹¹ *Imtiyaz Ahmad v. State of Uttar Pradesh* (2012 2 SCC 688).
- ¹² *Ramrameshwari Devi v. Nirmala Devi* (2011 8 SCC 249).
- ¹³ *Krishna Swami v. Union of India* (1992 AIR 1789).
- ¹⁴ Law Commission of India, 245th Report (2014).
- ¹⁵ *A.R. Antulay v. R.S. Nayak* (1992 AIR 1701).
- ¹⁶ *Maneka Gandhi v. Union of India* (1978 AIR 597).
- ¹⁷ *Shiv Kumar Sharma v. Santosh Kumari* (2008 9 SCC 648).
- ¹⁸ *State of Rajasthan v. Balchand* (1977 AIR 2447).
- ¹⁹ *Ashok Kumar v. State of Haryana* (2010 12 SCC 350).
- ²⁰ *M.C. Mehta v. Union of India* (1987 SCR (1) 819).
- ²¹ *Swapnil Tripathi v. Supreme Court of India* (2018 10 SCC 639).
- ²² *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.* (2010 8 SCC 24).
- ²³ *Union of India v. Pirthwi Singh* (2018 16 SCC 363).

²⁴ *State of Maharashtra v. Champalal Punjaji Shah* (1981 AIR 1675).

²⁵ *Union of India v. Pirthwi Singh* (2018 16 SCC 363).